

MAIL STOP PCT LEGAL
REFUND SECTION
Attorney Docket: 27058U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

McStay et al.

International Application Number: PCT/EP2005/002270

Serial Number: 10/591,611

International Filing Date: 2 March 2005 (02.03.2005)

Filing Date: September 5, 2006

Title: **FLUOROMETER**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Request for Refund;
- (3) Monthly Statement of Deposit Account dated May 31, 2007;
- (4) Copy of Check No. 2776 in the Amount of \$ 900.00 dated Sept. 5, 2006;
- (5) Copy of Stamped Filing Receipt dated Sept. 5, 2006;
- (6) Copy of Transmittal Letter to US Designated Office showing small entity fees claimed;
- (7) Copy of Stamped Filing Receipt dated Oct. 15, 2007 with petition.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
THE NATH LAW GROUP

By: 

Gary M. Nath, Reg. No. 26,965
Jerald L. Meyer, Reg. No. 41,194
Derek Richmond, Reg. No. 45,771
Customer No. 20529

Date: November 5, 2008

112 South West Street
Alexandria, VA 22314
Phone: 703-548-6284
Fax: 703-683-8396

MAIL STOP PCT LEGAL
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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International Application Number: PCT/EP2005/002270

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Title: **FLUOROMETER**

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It has come to the applicant's attention that large entity fees were assessed in the above national phase application by the USPTO and the difference in the fees paid by check by the client as a small entity at the time of filing and those of a large entity were debited from our deposit account. **The applicant is entitled to small entity status.**

Small entity fees of \$ 900 to cover the basic filing fee, the search fee, the examination fee and the fee to cover excess claims over 20 was paid by check number 2776 on September 5, 2006 upon national phase entry of the captioned application. A copy of the check for \$900 is enclosed. A copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 showing that small entity status was claimed is enclosed.

Our deposit account shows that \$900 was debited from our deposit account 14-0112 on May 14, 2007. A copy of the Monthly Statement of Deposit Account is attached.

On October 15, 2007, a Response to the Notification of Missing Requirements was filed by the applicant along with a Petition for Filing

**MAIL STOP PCT LEGAL
REFUND SECTION**
Attorney Docket: 27058U

When an Inventor Refuses to Sign. Fees of \$200, \$ 525 and \$65 were paid by check at this time to cover the petition, extension of time and surcharge. A copy of the date stamped Filing Receipt for October 15, 2007 is enclosed.

It is respectfully requested, **that \$900 be credited to The Nath Law Group's deposit account 14-0112.** The USPTO erroneously calculated the filing fees, search fee, examination fee and excess claims fees as a large entity and debited our account an additional \$900. We now request that the \$ 900 be credited back into our account.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

By: 

Gary M. Nath, Reg. No. 26,965

Jerald L. Meyer, Reg. No. 41,194

Derek Richmond, Reg. No. 45,771

Customer No. 20529

Date: November 5, 2008

112 South West Street
Alexandria, VA 22314
Phone: 703-548-6284
Fax: 703-683-8396



UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

www.uspto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make checks payable to "Director of the USPTO."

NATH & ASSOCIATES
JOANNE DAVIS
1030 15TH STREET, N.W.
6TH FLOOR
WASHINGTON DC 20005-1503

FINA

Account No.	140112
Date	5-31-07
Page	1

PLEASE SEND REMITTANCES TO:
U.S. Patent and Trademark Office
P.O. Box 371279
Pittsburgh, PA 15251-7279

Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
5	1	07	161	60793226	20529	8007	20.00	4080.26
5	1	07	162	60793227	20529	8007	20.00	4060.26
5	1	07	142	11663994	28117U	8021	40.00	4020.26
5	1	07	143	11663998	28122U	8021	40.00	3980.26
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5	2	07	162	PCT/US05/23581	82637PCT	1705	155.00	3205.26
5	2	07	109	10588077	27575U	8021	40.00	3165.26
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5	2	07	117	11662173	28108U	8021	40.00	3085.26
5	2	07	128	11581745	27747U	8021	40.00	3045.26
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5	3	07	4	10592076	82712	2616	180.00	2945.26
5	3	07	264	11254023	82750	2253	510.00	2435.26
5	7	07	4	10590805	27599U	9204	-130.00	2565.26
5	7	07	1	10591746	27661U	1614	200.00	2365.26
5	7	07	5	11365589	27286U	2201	100.00	2265.26
5	8	07	2	10590805	27599U	9204	-250.00	2515.26
5	8	07	114	60907452	28264P	8021	40.00	2475.26
5	9	07	144	3237164	61114-CA	8504	30.00	2445.26
5	11	07	223	29272080	28870D	8007	20.00	2425.26
5	14	07	4	10591611	27667U	1615	900.00	1525.26
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5	14	07	189	11660089	28038U	8021	40.00	1085.26
5	14	07	250	29272825	28067D	8021	40.00	1045.26
5	14	07	16	10308051	24012-YX	8021	40.00	1005.26
5	14	07	17	10308051	24012-YX	8021	40.00	965.26
5	15	07	5	E-REPLENISHMENT		9203	-4000.00	4965.26
5	16	07	56	10555387	27058U	8021	40.00	4925.26
5	16	07	59	11708136	28065U	8021	40.00	4885.26
5	16	07	379	0179150403	C8007U	8014	75.00	4810.26
5	16	07	209	60830105	27539P	8007	20.00	4790.26
5	18	07	1	10519222	26478U	2202	25.00	4765.26
5	18	07	151	60907697	28284P	8021	40.00	4725.26
5	18	07	113	11480452	27527U	8007	40.00	4685.26
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE

NATH & ASSOCIATES, PLLC
PATENT & TRADEMARK ACCOUNT

2776

DATE : Sep 5/2006
CHE # : 2776
AMOUNT: \$900.00
ACCOUNT: GENERAL - 28
PAID TO: COMMISSIONER OF PATENTS & TRADEMARKS

26
Patent Office Fee Serial No. (Not Yet Assigned)

CLIENT: 5568 - F R Kelly & Co
MATTER: 27667u

NATH & ASSOCIATES, PLLC
PATENT & TRADEMARK ACCOUNT
112 S WEST STREET
ALEXANDRIA, VA 22314

Bank of America
ACH R/T 052001633

7:163/520 MD
2877

DATE Sep 5/2006 AMOUNT
\$900.00

Nine Hundred ***** 00/100

PAY
TO THE
ORDER
OF

COMMISSIONER OF PATENTS & TRADEMARKS

VOID AFTER 90 DAYS

Patent Office Fee Serial No (Not Yet Assigned)

⑈002776⑈ ⑆052001633⑆ 003926122433⑈

FILING RECEIPT

Attorney Docket No. 27667U

Date: September 5, 2006

Attorney: GMN/GBK/JLM

Inventor: McSTAY, Daniel et al.

International Application No: PCT/EP2005/002270

Serial No. NOT YET ASSIGNED

International Filing Date: 2 March 2005 (02.03.2005)

Filed: September 5, 2006

Title: **FLUOROMETER****DOCUMENTS BEING FILED:****THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:**

- (1) Transmittal Letter;
- (2) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication No: WO 2006/007883 A1 with search report, International Publication Date: 26 January 2006 (26.01.2006), which consists of 36 pages including:
 - 2 cover sheets containing the Abstract;
 - 23 pages Textual Specification,
 - 7 pages of 38 Claims,
 - 4 sheets of Drawings;
- (4) **Preliminary Amendment with Attachment A to be examined;**
- (5) **Unexecuted Inventor's Declaration;**
- (6) Check No. 2776 \$ 900.00 for Government Basic National Stage Fee, Search Fee, Examination fee, and additional claims as a small entity;
- (7) Postcard for early notification of serial number.

NATH & ASSOCIATES PLLC

112 South West Street,

Alexandria, VA 22314

Phone: (703) 548-6284

Fax: (703) 683-8396

FILE CHECKPrepared by: dd

Approved by: _____

Copy reviewed: _____

Filed by: _____

GMN/GBK/JLM/dd

Return to D. Dean



MAIL STOP PCT MISSING PARTS
Attorney Docket: 27667U

FILING RECEIPT

Attorney Docket No. 27667U
Date: October 15, 2007 Attorney: GMN/JLM/DR
Inventor: McSTAY, Daniel et al.
International Application No: PCT/EP2005/002270
Serial No. 10/591,611
International Filing Date: 2 March 2005 (02.03.2005)
Filed: September 5, 2006
Title: **FLUOROMETER**

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

DOCUMENTS BEING FILED:

- 1) Transmittal Letter;
- 2) Copy of Notification of Missing Requirements Under 35 U.S.C. 371;
- 3) Petition for 3 month Extension of Time;
- 4) Executed Declaration signed by two of the four inventors;
- 5) **Petition Under 37 C.F.R. 1.47(a) for Filing When an Inventor Refuses to Sign;**
- 6) Annex A, Statement by Mr. Alan Wallace, a person with firsthand knowledge;
- 7) Annex B, Copy of letter to Mr. Forte by recorded delivery on July 16, 2007;
- 8) Annex C, Proof of Delivery to Mr. Forte by Royal Mail Recorded Delivery;
- 9) Annex D, Copy of letter to Mr. Greenway by recorded delivery on July 16, 2007;
- 9) Annex E, email of 26 July 2007 from Mr. Greenway;
- 10) Check No. 5057 \$ 200.00 for Petition Fee Under 37 CFR 1.17(g);
- 11) Check No. 5058 \$ 525.00 for 3 month extension of time fee as a small entity;
- 12) Check No. 5059 \$ 65.00 surcharge for late filing of executed Declaration.

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
Phone: 703-548-6284
Fax: 703-683-8396

FILE CHECK

Prepared by: dd
Approved by: DR
Copy review: _____
Filed by: _____

GMN/JLM/DRdd: Non_SigningInventor_1.47a_FR_NMR

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 5 September 2006 (05.09.2006)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NO. (if known): Not Yet Assigned
INTERNATIONAL APPLICATION NO.: PCT/EP2005/002270	INTERNATIONAL FILING DATE: 2 March 2005 (02.03.2005)	PRIORITY DATE CLAIMED: 5 March 2004 (05.03.2004) GB
TITLE OF INVENTION: FLUOROMETER		
APPLICANT(S) FOR DO/EO/US: McSTAY, Daniel; FORTE, Anton; THABETH, Khalid; GREENAWAY, Terrence		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <p style="margin-left: 40px;">TRANSMITTAL FORM WITH FEE CALCULATION; INTERNATIONAL PUBLICATION WO 2006/007883 A1 WITH INTERNATIONAL PUBLICATION DATE 26 JANUARY 2006 (26.01.2006) WHICH CONSISTS OF 36 PAGES INCLUDING 2 COVER SHEETS CONTAINING THE ABSTRACT, 23 PAGES TEXTUAL SPECIFICATION, 7 PAGES OF 38 CLAIMS, 4 SHEETS DRAWINGS; UNEXECUTED INVENTOR'S DECLARATION; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED.</p>		

U.S. APPLICATION NO. (if known) not yet assigned	INTERNATIONAL APPLICATION NO. PCT/EP2005/002270	DATE: 5 September 2006 (05.09.2006)
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21. Basic national fee \$ 300 22. Examination fee If the written opinion prepared by the ISA/US or the international preliminary examination report prepared by IPEA/US and all claims satisfy Provisions of PCT Article 33(1)-(4) \$ 0 All other situations..... \$200 23. Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500 ___ Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. <div style="text-align: right;">TOTAL OF 21, 22 & 23=</div>	<u>CALCULATIONS</u> \$ 300 \$ 200 \$ 400 \$ 0 \$ 900	<u>PTO USE ONLY</u>
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Surcharge of \$130.00 for furnishing the oath or declaration later than ___ 20 ___ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	
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CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	38-20=	18	X \$ 50.00	\$	900.00
INDEPENDENT	3 - 3=	0	X \$ 200.00	\$	0.00
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$	000
TOTAL OF ABOVE CALCULATIONS =				\$	1800.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	-900.00
SUBTOTAL =				\$	900.00
Processing fee of \$130.00 for furnishing the English translation later than ___ 20 ___ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$	0.00
TOTAL NATIONAL FEE =				\$	900.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	0.00
TOTAL FEES ENCLOSED =				\$	900.00
				Amount to be:	
				refunded	\$
				charged	\$

U.S. APPLICATION NO. (if known) not yet assigned	INTERNATIONAL APPLICATION NO. PCT/ EP2005/002270	DATE: 5 September 006 (05.09.2006)
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a. ☒ One check in the aggregate amount of **\$ 900.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

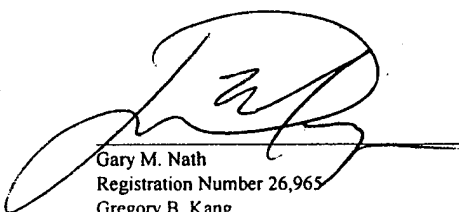
d. ☐ Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314

(703) 548-6284 (phone)
(703) 683-8396 (fax)



Gary M. Nath
Registration Number 26,965
Gregory B. Kang
Registration No. 45,273
Jerald L. Meyer,
Registration No. 41,194
Customer No. 20529